

1208102-Court-A-U.S.
JOHN T ORCUTT
ATTORNEY AT LAW
6616-203 SIX FORKS RD
RALEIGH, NC 27615-0000

IN RE
BOBBY RAYNOR MCDANIEL
167 UNITY LANE

CLINTON, NC 28328
SSN or Tax I.D. XXX-XX-6002

Chapter 13

Case Number: 12-08102-8-SWH

U.S. Bankruptcy Court
1760-A Parkwood Blvd
Wilson, NC 27893

NOTICE OF MOTION FOR CONFIRMATION OF PLAN

Robert R. Browning, Interim Trustee, Chapter 13 Trustee has filed papers with the Court to Confirm the Chapter 13 Plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the Motion For Confirmation Of Plan, or if you want the court to consider your views on the motion, then on or before 02/15/2013, you or your attorney must file with the court, pursuant to Local Rule 9013-1 and 9014-1, a written response, an answer explaining your position, and a request for hearing at:

U.S. Bankruptcy Court
Eastern District of North Carolina
1760-A Parkwood Blvd
Wilson, NC 27893

If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above.

You must also mail a copy to debtor(s), debtor(s) attorney and trustee at the following addressses:

Debtor(s):	Attorney:	Trustee:
BOBBY RAYNOR MCDANIEL	JOHN T ORCUTT	Robert R. Browning, Interim
167 UNITY LANE	ATTORNEY AT LAW	Trustee
CLINTON, NC 28328	6616-203 SIX FORKS RD	P.O. Box 1618
	RALEIGH, NC 27615-0000	New Bern, NC 28563

If a response and a request for hearing is filed in writing on or before the date set above, a hearing will be conducted on the motion at a date, time and place to be later set and all parties will be notified accordingly.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: January 15, 2013

Robert R. Browning, Interim Trustee
Chapter 13 Trustee
P.O. Box 1618
New Bern, NC 28563

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA**



IN RE:

CASE NUMBER: 12-08102-8-SWH

BOBBY RAYNOR MCDANIEL

CHAPTER 13

DEBTOR(S)

**MINUTES OF 341 MEETING AND
MOTION FOR CONFIRMATION OF PLAN**

NOW COMES the Trustee in the above referenced Chapter 13 case moving the Court for an Order confirming the Plan in the case and, in support, of said Motion, says unto the Court:

1. That the debtor(s) appeared at the meeting of creditors, as required by 11 U.S.C. § 341 and submitted to an examination under oath by the Trustee on January 2, 2013, or has supplied answers to written interrogatories;
2. The Debtor(s) has/have complied with all requirements of 11 U.S.C. §521(a)(1)(B) and Interim Bankruptcy Rules 1007 and 4002(b), as modified and adopted by this Court, and this case has not been dismissed, nor is it subject to dismissal, under 11 U.S.C. §521(i).
3. That there are no pending objections to confirmation or other filings or pleadings that would impede the confirmation of the Plan in this case;
4. The analysis of this Plan has been performed by the Trustee, as evidenced by Exhibit "A" attached hereto, and the Trustee is of the opinion that the Plan meets the requirements of 11 U.S.C. §1325;
5. That the Trustee has reviewed the Schedules and information in Debtor(s) Petition and, as of the date of this Motion, has determined that the Debtor(s) annualized current monthly income does not exceed the median family income for the State of North Carolina and further has determined that the Debtor(s) does/do not have projected disposable income as defined in 11 U.S.C. §1325(b)(2), In Re Alexander, 344 B.R. 742 (Bankr. E.D.N.C. 2006) and In Re Carney, 06-00392-8-JRL (E.D.N.C August 23, 2006). Based on such review the debtor(s) plan payments should be:

\$1,178.00	for	15	Months
\$894.00	for	42	Months
	for		Months
	for		Months

The above stated monthly payments may include monies as calculated by the Trustee to meet the best interest of creditors test ("liquidation test") in addition to the projected disposable income of the Debtor(s).



- a. Review of Plan. This plan will be reviewed by the trustee at claims bar date (as hereinafter defined in Paragraph “7”) to determine whether Debtor(s) has/have any projected disposable income to pay to and for the benefit of general unsecured creditors. The plan will be further reviewed at government bar date as to claims accruing pre-petition. If the Trustee finds projected disposable income at such review(s) the plan will be modified accordingly. Debtor(s) will be notified of the needed modification by the issuance of a Notice of Requirement to Modify by the trustee.
 - b. Debtors with Disposable Income and/or Equity. If it has been determined that Debtor(s) has/have projected disposable income and/or equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured claims they will be paid approximately \$ 0.00 through the plan. This figure is subject to modification as to all debtors upon final review by the trustee as set forth above. The obligation of the debtor(s) to make plan payments may cease upon payment to the Trustee of a sum sufficient to pay the required sum for the benefit of general unsecured creditors.
 - c. Debtors With No Disposable Income. If it has been determined that Debtor(s) has/have no projected disposable income and no equity in property pursuant to the liquidation test to be applied for the benefit of general unsecured creditors the obligation of the debtor(s) to make such payments shall cease upon payment to the Trustee of a sum sufficient to pay all allowed arrearage claims on secured debts, or other allowed secured claims (not including those to be paid "outside" the plan), unsecured priority claims, administrative claims and co-sign protect claims (if any) in full, along with the amount indicated below to be paid on general unsecured claims. IN SUCH EVENT THE GENERAL UNSECURED CLAIMS WILL BE PAID \$0.00 THROUGH THIS PLAN.
 - d. Effect of Government Claims Accruing Post Petition Filed After Bar Date. Claims filed by any governmental agency after the claims bar date but before the government bar date that accrue post petition, as set forth in Paragraph 7, and claims filed post petition pursuant to 11 U.S.C. §1305, if more than projected at the claims bar date, will cause the plan to be subject to modification and amendment but will not effect the monies to be paid to general unsecured creditors, if any, as established in the procedures hereinabove set forth.
6. That the liens of creditors which will not be paid in full during the term of the Plan or which are to be paid directly by the debtor(s) are not affected by the confirmation of this Plan;
 7. Generally, and subject to orders entered hereafter by this Court, any claim proof of which is not filed on or before April 2, 2013 (“Bar Date”) shall be disallowed. Claims of governmental units, proofs of which are not filed before June 1, 2013 (“Government Bar Date”) shall be disallowed.
 8. That the claims of secured creditors shall be paid as secured to the extent of the claim or to the extent of the value of the collateral as set out below. Provided sufficient funds are available, and a proof of claim has been filed and allowed, the secured creditors listed below can expect to receive a minimum monthly payment equal to 1% of the value of their collateral.
 - a. Claims to be paid directly by the Debtor:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#028 Sampson Co	Tax lien (1601 W. Main St)	Outside

#029 Sampson Co	Tax lien arrears	-0-	==
		NO CLAIM FILED	
#030 Sampson Co	Tax lien (1661 W. Main St)	Outside	
#031 Sampson Co	Tax lien arrears	-0-	
		NO CLAIM FILED	

b. Post-Petition Conduit Mortgage Payments to be paid by the Trustee:

The Trustee will disburse regular ongoing monthly payments effective with the month indicated below with the Debtor to resume direct payments upon completion of plan payments. Arrearage through the month indicated will be paid in full over the term of the plan without interest as funds are available unless otherwise indicated. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property. The Trustee will disburse the regular monthly payment indicated below unless an allowed filed claim indicates a different payment.

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#800 Nationstar Mortgage	Residence	Contractual payment in the amount of \$427.00 to be made by Trustee effective with the February 2013 payment
#800 Nationstar Mortgage	Residence administrative arrearage claim	\$854.00 to be paid over life of plan (December 2012 and January 2013 payments)
#802 Nationstar Mortgage	Residence pre-petition arrears	\$3,400.00 to be paid over life of plan
		NO CLAIM FILED

c. Claims paid to extent of claim as filed:

<u>Creditor</u>	<u>Collateral</u>	<u>Repayment Rate/Term</u>
#026 Regional Acceptance	'06 Nissan Xterra	\$16,009.00 @ 5.25% to be paid over life of plan
		NO CLAIM FILED

d. Claims paid to extent of value:

<u>Creditor</u>	<u>Collateral</u>	<u>Present Value</u>	<u>Repayment Rate/Term</u>
NONE			

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9. That the following creditors have filed secured proofs of claims but, due to the value placed on the collateral, the claims will be treated as unsecured and paid along with other unsecured claims. With respect to claims listed below for which the terms of repayment are listed as "Surrender," upon entry of an Order confirming the plan, as modified by this Motion, the automatic stay of §362(a) and the automatic codebtor stay of §1301 shall thereupon be lifted and modified with respect to such property "for cause" under §362(d)(1), as allowed by local rule 4001-1(b).

NONE

Reference herein to "Direct" or "Outside" or similar language regarding the payment of a claim under this plan means that the Debtor(s) or a third party will make the post-petition payments in accordance with the contractual documents which govern the rights and responsibilities of the parties of the transaction, including any contractual modifications thereof, beginning with the first payment that comes due following the order for relief.

10. That the treatment of claims indicated in paragraphs 8 and 9 above, are based on information known to the Trustee at the time of the filing of this Motion. The treatment of some claims may differ from that indicated if subsequent timely filed claims require different treatment;
11. That the following executory contracts and unexpired leases shall be either assumed or rejected as indicated below:

<u>Creditor</u>	<u>Property Leased or Contracted For</u>	<u>Treatment</u>
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NONE

12. That priority claims shall be paid in full over the term of the Plan;
13. That confirmation of this Plan will be without prejudice to pending Motions For Relief From the Automatic Stay and will be without prejudice to objections to claims and avoidance actions;
14. **POST-PETITION CONDUIT MORTGAGE PAYMENTS PAID INSIDE THE PLAN** – Post-petition conduit mortgage payments listed in Section 8 (b) to be paid inside the Debtor's Plan shall be paid its contractual monthly payments by the Trustee with the Debtor to resume direct payments upon completion of plan payments. To receive disbursements, a creditor must file a proof of claim documenting a non-preferential perfected lien against the property.

If the monthly payment on the account changes, the creditor must inform the Trustee, the Debtor and the Debtor's attorney of any change in the conduit payment amount at least thirty (30) days prior to the effective date of the resulting change in the conduit payment amount by filing a supplemental proof of claim with the Court in the manner required in the Court's Administrative Order Establishing Procedures Governing Post-Petition Conduit Mortgage Payments Effective January 1, 2010 entered November 5, 2009. Failure to provide such notice shall result in a waiver by the creditor of the right to collect any increase in the monthly payment for which notice thereof was not provided unless otherwise ordered by the Court.

If the Debtor's Plan pays all of the required conduit payments, arrearage payments and other mortgage-related claims, as specified in the confirmed plan or any amendment thereto, then all pre-confirmation and post-confirmation defaults shall be deemed cured, and the mortgage loan,

together with the note and any other loan documents or amended loan documents shall be deemed _____
at least current as of the date of the disbursement of the final plan payment. Upon completion of _____
the Debtor's Plan payments, the Trustee shall file a motion and a notice of motion seeking entry of
an order of the Court that the mortgage is deemed current.

Costs of collection, including attorneys' fees, incurred by the claim holder, and approved by the
Court, after the filing of this Bankruptcy case and before the final payment under the Plan shall be
added to the pre-petition arrearage claim.

15. That confirmation of the Plan vests all property of the estate in the debtor(s);

16. That the attorney for the debtor(s) is requesting fees in the amount of \$4,025.00. The Trustee
recommends to the Court a fee of \$4,025.00. If the recommended fee is different from that requested,
an explanation can be found in Exhibit "A".

s/ Robert R. Browning
Robert R. Browning, Interim Trustee
Standing Chapter 13 Trustee

EXHIBIT 'A'**CASE NUMBER: 12-08102-8-SWH****DEBTORS: BOBBY RAYNOR MCDANIEL****EMPLOYMENT:**

Debtor: SAMPSON CO SCHOOLS GROSS INCOME: \$35,316.00

SIDE WORK

Spouse: CSR \$38,097.00

Prior Bankruptcy cases: Yes ☒ No ☐ If so, Chapter 7 filed 05/16/05

Disposition: DISCHARGED 08/24/05

Real Property: House and Lot X Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: RESIDENCE

FMV \$43,000.00

Date Purchased

Liens \$59,284.00

Purchase Price

Exemptions

Improvements

Equity \$ 0.00

Insured For

Rent

Tax Value

Real Property: House and Lot X Mobile home ☐ Lot/Land ☐ Mobile Home/Lot ☐

Description: 1661 WEST MAIN ST ¼ INTEREST

FMV \$33,000.00

Date Purchased

Liens

Purchase Price

Exemptions \$5,000.00

Improvements

Equity \$ 0.00

Insured For

COMMENTS:**Attorney** Requested: \$4,025.00 (excluding filing fee)**Fees:** Paid: \$0.00 (excluding filing fee)

Balance: \$4,025.00

Trustee's Recommendation: \$4,025.00

Comments:

Plan Information:

<u>Plan Information:</u>		<u>After 341</u>		<u>Payout % After 341</u>	
Total Debts	\$74,531.34	Pay in	\$55,173.00	Priority	100.00%
Priority	\$4,025.00	Less 6.00%	\$3,310.38	Secured	100.00%
Secured	\$45,234.34	Subtotal	\$51,862.62	Unsecured	0%
Unsecured	\$25,272.00	Req. Atty. Fee	Incl. w/ claims	Joint	%
Joint Debts		Available	\$ 0.00	Co-Debts	%
Co-Debtor					

	<u>Payroll Deduction:</u>	Yes	X	No	<input type="checkbox"/>
<u>Objection to Confirmation:</u>		Yes	<input type="checkbox"/>	No	X

Pending: SEE COURT DOCKET

Resolved: SEE COURT DOCKET

Motions Filed: Yes ☐ No X

If so, indicate type and status: SEE COURT DOCKET

Hearing Date:

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CASE: 1208102 TRUSTEE: 2V COURT: 278
 TASK: 01-14-2013.00420310.LSA000 DATED: 01/15/2013

Court Served Electronically

Trustee	Robert R. Browning, Interim Trustee	P.O. Box 1618 New Bern, NC 28563
Debtor	BOBBY RAYNOR MCDANIEL	167 UNITY LANE CLINTON, NC 28328
799	000002 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
001	000021 ADMIN RECOVERY, LLC	9159 MAIN ST CLARENCE, NY
015	000014 INTERNAL REVENUE SERVICE	PO BOX 7346 PHILADELPHIA, PA 19101
042	000015 THE HONORABLE ERIC HOLDER 950 PENNSYLVANIA AVE NW	US DEPT OF JUSTICE WASHINGTON, DC 20530-0001
021	000025 PORTFOLIO SUITE 100	120 CORPORATE BLVD NORFOLD, VA 23502
003	000022 BELK / GE CAPITAL RETAIL BANK PO BOX 12903	C/O PORTFOLIO RECOVERY ASSOC NORFOLK, VA 23541
040	000047 STERN & ASSOCIATES SUITE 2	415 N. EDGEWORTH ST GREENSBORO, NC 27401
037	000044 SPECTRUM LABORATORY NETWORK	P O BOX 35907 GREENSBORO, NC 27425-5907
047	000052 WAKE MEDICAL CENTER	421 FAYETTEVILLE ST MALL, STE 600 RALEIGH, NC 27601
043	000016 U S ATTORNEY'S OFFICE STE 800 FEDERAL BLDG	310 NEW BERN AVE RALEIGH, NC 27601-1461
039	000018 STATE OF NORTH CAROLINA P O BOX 629	C/O NC DEPARTMENT OF JUSTICE RALEIGH, NC 27602-0629
019	000017 NC DEPT OF REVENUE	P O BOX 1168 RALEIGH, NC 27602-1168
023	000037 PROGRESS ENERGY INC	P O BOX 1551 RALEIGH, NC 27602-1551
016	000019 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
017	000020 JOHN T ORCUTT 6616-203 SIX FORKS RD	ATTORNEY AT LAW RALEIGH, NC 27615-0000
024	000039 RBC BANK	PO BOX 1220 ROCKY MOUNT, NC 27802
025	000040 RBC CENTURA BANK	PO BOX 1070 CHARLOTTE, NC 28201-1070
032	000011 SAMPSON COUNTY TAX COLLECTOR	PO BOX 580014 CHARLOTTE, NC 28258-0014
027	000008 REGIONAL ACCEPTANCE	PO BOX 580075 CHARLOTTE, NC 28258-0075
036	000046 SPECTRUM LABORATORY	PO BOX 580286 CHARLOTTE, NC 28258-0286
041	000048 STERN & ASSOCIATES PO BOX 63114	MANAGING AGENT CHARLOTTE, NC 28263-3114
010	000031 FAYETTEVILLE ANESTHESIA, P.A.	PO BOX 63196 CHARLOTTE, NC 28263-3196

CERTIFICATE OF MAILING

0015

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 TASK: 01-14-2013.00420310.LSA000 DATED: 01/15/2013

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005	000027	CAPITAL ONE BANK	PO BOX 71083 CHARLOTTE, NC 28272
038	000045	SPECTRUM LABORATORY NETWORK	PO BOX 751337 CHARLOTTE, NC 28275-1337
033	000042	SAMPSON REGIONAL MED CTR	PO BOX 890650 CHARLOTTE, NC 28289
008	000029	FAY OTHO & SPORTS MEDICINE SUITE 100	1991 FORDHAM DR FAYETTEVILLE, NC 28304-3650
009	000030	FAYETTEVILLE AMBULATORY	1781 METROMEDICAL DR FAYETTEVILLE, NC 28304-3800
034	000041	SAMPSON REGIONAL MEDICAL CNT	607 BEAMAN ST CLINTON, NC 28328
007	000036	DAUGHTRY, WOODARD, LAWRENCE ET AL	401 COLLEGE ST CLINTON, NC 28328-4009
028	000009	SAMPSON CO TAX COLLECTOR	PO BOX 207 CLINTON, NC 28329
029	000010	SAMPSON CO TAX COLLECTOR	PO BOX 207 CLINTON, NC 28329
030	000012	SAMPSON CO TAX COLLECTOR	PO BOX 207 CLINTON, NC 28329
031	000013	SAMPSON CO TAX COLLECTOR	PO BOX 207 CLINTON, NC 28329
006	000028	CLINTON X -RAY ASSOCIATES PA	PO BOX 619 CLINTON, NC 28329-0619
020	000038	ONLINE COLLECTIONS	202 FIRETOWER RD WINTERVILLE, NC 28590-8412
002	000023	BELK P O BOX 103104	C/O GE MONEY BANK ROSWELL, GA 30076
046	000051	VERIZON WIRELESS	PO BOX 105378 ATLANTA, GA 30348
026	000007	REGIONAL ACCEPTANCE	PO BOX 830913 BIRMINGHAM, AL 35283
013	000035	IC SYSTEMS INC	PO BOX 64437 ST PAULS, MN 55164
014	000034	IC SYSTEMS, INC	PO BOX 64137 ST PAUL, MN 55164-0137
012	000033	IC SYSTEMS	PO BOX 64887 ST PAUL, MN 55164-0887
011	000032	IC SYSTEMS	PO BOX 64378 SAINT PAUL, MN 55164-4378
044	000049	VERIZON	PO BOX 26055 MINNEAPOLIS, MN 55426-6055
035	000043	SNAP ON CREDIT	1125 TRI-STATE PARKWAY GURNEE, IL 60031
800	000003	NATIONSTAR MORTGAGE 350 HIGHLAND DR	ATT; BANKRUPTCY DEPT LEWISVILLE, TX 75067
801	000004	NATIONSTAR MORTGAGE 350 HIGHLAND DR	ATT; BANKRUPTCY DEPT LEWISVILLE, TX 75067
802	000005	NATIONSTAR MORTGAGE 350 HIGHLAND DR	ATT; BANKRUPTCY DEPT LEWISVILLE, TX 75067

CERTIFICATE OF MAILING

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CASE: 1208102 TRUSTEE: 2V COURT: 278
TASK: 01-14-2013.00420310.LSA000 DATED: 01/15/2013

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018	000006	NATIONSTAR MORTGAGE	PO BOX 650783 DALLAS, TX 75265-0783
045	000050	VERIZON WIRELESS	P O BOX 660108 DALLAS, TX 75266-0108
004	000026	CAPITAL ONE BANK	PO BOX 30285 SALT LAKE CITY, UT 84130-0285
022	000024	PORTFOLIO RECOVERY ASSOCIATES, LLC PO BOX 4115	DEPARTMENT 922 CONCORD, CA 94524-4115

54 NOTICES

THE ABOVE REFERENCED NOTICE WAS MAILED TO EACH OF THE ABOVE ON 01/15/2013.
I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.
EXECUTED ON 01/15/2013 BY /S/EPIQ Systems, Inc.

*CM - Indicates notice served via Certified Mail